

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

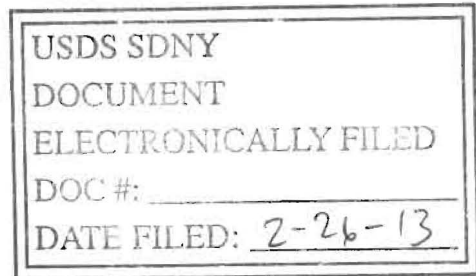
MICHEL TOLIVER,

Plaintiff,

-v-

THE CITY OF NEW YORK, *et al.*,

Defendants.



No. 10 Civ. 7798 (RJS) (JCF)  
ORDER

RICHARD J. SULLIVAN, District Judge:

By Order dated March 19, 2012, the Court adopted the Report and Recommendation of the Honorable James C. Francis, Magistrate Judge, and dismissed the Complaint in this action without prejudice to Plaintiff's refiling an amended pleading. By order dated June 29, 2012, the Court directed Plaintiff to submit any amended pleading no later than July 16, 2012. Although Plaintiff sent a letter prior to that deadline, it was not responsive to the Court's order. Rather, it referred to a document that Plaintiff had submitted two years earlier, which, of course, could not have been an amendment conforming to the Court's March 19 Order. Accordingly, on August 20, 2012, Judge Francis issued a new Report and Recommendation (the "Report") recommending that this action be dismissed. Plaintiff did not submit any objections to Judge Francis's Report.

When no objections to a report and recommendation are made, the Court may adopt the report if there is no clear error on the face of the record. *Adee Motor Cars, LLC v. Amato*, 388 F. Supp. 2d 250, 253 (S.D.N.Y. 2005); *La Torres v. Walker*, 216 F. Supp. 2d 157, 159 (S.D.N.Y. 2000). After reviewing the record, the Court finds that Judge Francis's well-reasoned and

careful Report is not facially erroneous. Accordingly, the Court adopts the Report in its entirety and dismisses this action with prejudice.

The Clerk of the Court is respectfully directed to close this case.

SO ORDERED.

DATED: February 26, 2013  
New York, New York

A handwritten signature in dark ink, appearing to read 'R. Sullivan', written over a horizontal line.

RICHARD J. SULLIVAN  
UNITED STATES DISTRICT JUDGE

A copy of this Order was mailed to:

Michel Toliver  
10-A-4565  
Upstate Correctional Facility  
P.O.Box 2001  
Malone, NY 12953